

INTERFERENCE DIGEST

Interference No. 105603

Paper No.

Name: Houpt, et al.

Serial No.: 10/671,923

Patent No. 6,960,276, Filed 1 Nov. 2005

Title: Frangible fiberglass insulation batts

Filed: 25 Sept. 2003

Interference with: Allwein, et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Sally C. Medley
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Facsimile: 571-273-0042

Patentees: Hought
Application No.: 10/671,923, filed 25 September
2003, now Patent No. 6,960,276, granted 1
November 2005
For: Frangible fiberglass insulation batts

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105603.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Sally C. Medley/
SALLY C. MEDLEY
Administrative Patent Judge

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Filed 19 March 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RONALD A. **HOUP**T, CARL J. KISSELL,
CAMERON J. WRIGHT, and JON W. PEREIRA
Junior Party
(Patent 6,960,276),

v.

ROBERT J. **ALLWEIN** and LARRY J. WEINSTEIN
Senior Party
(Application 11/167,366).

Patent Interference No. 105,603 (SCM)
(Technology Center 1700)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding to
5 the count(s) appear in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally C. Medley has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **11:00 a.m.**
14 **on 15 May 2007** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd.
17 R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

1 schedule prior to the conference call and to agree on dates for taking action. A
2 typical motion period lasts approximately eight (8) months. Counsel should be
3 prepared to justify any request for a shorter or longer period.

4 **Part E. Identification and order of the parties**

5
6 Junior Party

7
8 Named inventors: RONALD A. **HOUP**T, Shelbyville, In.
9 CARL J. KISSELL, Shelbyville, In.
10 CAMERON J. WRIGHT, Naperville, Ill.
11 JON W. PEREIRA, Shelbyville, In.
12
13 Involved Patent: U.S. Patent 6,960,276, issued 1 November 2005,
14 based on application 10/671,923, filed 25
15 September 2003
16
17 Title: Frangible fiberglass insulation bats
18
19 Assignee: Knauf Fiber Glass GmbH
20

21 Senior Party

22
23 Named Inventors: ROBERT J. **ALLWEIN**, Highlands Ranch, Co.
24 LARRY J. WEINSTEIN, Littleton, Co.
25
26 Involved Application: 11/167,366, filed 27 June 2005
27
28 Title: Pre-cut fibrous insulation for custom fitting wall
29 cavities of different widths
30
31 Assignee: none
32

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
3 party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 **Part F. Count and claims of the parties**

5
6 Count 1

7
8 Claim 106 of Allwein's Application 11/167,366

9
10 or

11
12 Claim 1 of Houpt's U.S. Patent 6,960,276

13
14 The claims of the parties are:

15
16 Houpt: 1-24

17
18 Allwein: 106-119

19
20 The claims of the parties which correspond to Count 1 are:

21
22 Houpt: 1-24

23
24 Allwein: 106-119

25
26 The claims of the parties which do not correspond to Count 1, and therefore
27 are not involved in the interference, are:

28
29 Houpt: none

30
31 Allwein: none

1 The parties are accorded the following benefit for Count1:
2

3 Houpt: none
4

5 Allwein: 09/782,793, filed 13 February 2001, now patent
6 6,935,080, issued 30 August 2005
7

8 **Part G. Heading to be used on papers**

9 The following heading must be used on all papers filed in this interference,
10 see SO ¶ 106.1.1:
11

12 UNITED STATES PATENT AND TRADEMARK OFFICE
13

14
15 BEFORE THE BOARD OF PATENT APPEALS
16 AND INTERFERENCES
17

18
19 RONALD A. HOUP, CARL J. KISSELL,
20 CAMERON J. WRIGHT, and JON W. PEREIRA
21 Junior Party
22 (Patent 6,960,276),
23

24 v.
25

26 ROBERT J. ALLWEIN and LARRY J. WEINSTEIN
27 Senior Party
28 (Application 11/167,366).
29

30
31 Patent Interference No. 105,603 (SCM)
32 (Technology Center 1700)
33

1 **Part H. Order form for requesting file copies**

2 When requesting copies of files, use of SO Form 4 will greatly expedite
3 processing of the request. Please attach a copy of Parts E and F of this
4 DECLARATION with a hand-drawn circle around the patents and applications for
5 which a copy of a file wrapper is requested.

6
7 /Sally C. Medley/
8 Administrative Patent Judge

9 Enc:

10 Copy of STANDING ORDER
11 Form PTO-850
12 Copy U.S. Patent 6,960,276
13 Copy of claims of 11/167,366
14 Copy of U.S. Patent 6,935,080

15
16 Revised 3 January 2006
17
18

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